

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: January 18, 2006  
Bulk Item: Yes ☐ No ☒

Division: Growth Management  
Department: Planning & Environmental Res.  
Staff Contact: Timothy J. McGarry

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**AGENDA ITEM WORDING:**

A public hearing to consider an ordinance amending the Monroe County Land Development Regulations by creating Section 9.5-260.3, which establishes the Big Pine and No Name Keys Formula Retail Overlay District and adopts by reference the Big Pine and No Name Keys Formula Retail Overlay District Map.

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**ITEM BACKGROUND:**

During the spring and fall of 2000 residents of Big Pine and No Name Keys undertook a community-driven planning process involving local workshops, seminars, and design charettes that defined through continuous debate the public's interest in preserving a rural community character, and protecting the economic viability of locally owned and operated businesses. The community-driven planning process culminated in the adoption of the Master Plan for Future Development of Big Pine and No Name Key (Master Plan). *Action Item 12.2.4* of the Master Plan calls for the prohibition of new formula retail businesses and restaurants on Big Pine. To implement this action item staff prepared an ordinance and scheduled it for hearing on the December 7<sup>th</sup> Planning Commission agenda. However, during the public comment period of the hearing new issues and concerns were raised by attendees who were in opposition to this ordinance, and as a result the Planning Commission recommended denial, but suggested a workshop to summarize existing development regulations or constraints that may serve in parallel fashion as controls that achieve the same goal of maintaining the rural and unique character of the community by limiting the amount, type, and location of future commercial development,

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**PREVIOUS RELEVANT BOCC ACTION:**

On August 18, 2004 the Board of County Commissioners adopted the Master Plan for Future Development of Big Pine and No Name Key (Master Plan), including *Action Item 12.2.4*: "Prohibit new formula retail businesses and restaurants in the planning area through the development of land development regulations", as an addendum to the Monroe County Year 2010 Comprehensive Plan.

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**CONTRACT/AGREEMENT CHANGES:** N/A

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**STAFF RECOMMENDATIONS:** See staff report "Recommendation".

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**TOTAL COST:** N/A

**BUDGETED:** Yes ☐ No ☐

**COST TO COUNTY:** N/A

**SOURCE OF FUNDS:** \_\_\_\_\_

**REVENUE PRODUCING:** Yes ☐ No ☐ **AMOUNT PER MONTH** \_\_\_\_\_ **Year** \_\_\_\_\_

**APPROVED BY:** County Atty ☒ OMB/Purchasing \_\_\_\_\_ Risk Management \_\_\_\_\_

**DIVISION DIRECTOR APPROVAL:** \_\_\_\_\_

Timothy J. McGarry, AICP

**DOCUMENTATION:** Included ☒ Not Required ☐

**DISPOSITION:** \_\_\_\_\_

**AGENDA ITEM #** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING A TEXT AND MAP AMENDMENT TO THE MONROE COUNTY CODE BY CREATING A NEW SECTION 9.5-260.3 “BIG PINE AND NO NAME KEYS FORMULA RETAIL OVERLAY DISTRICT” OF DIVISION 2, ARTICLE VII, CHAPTER 9.5; AND ADOPTING BY REFERENCE THE “BIG PINE AND NO NAME KEYS FORMULA RETAIL OVERLAY DISTRICT MAP;” PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMUNITY AFFAIRS.**

**WHEREAS**, Big Pine and No Name Keys are unique island communities consisting predominantly of small scale residential and commercial uses, and a nationally significant natural environment which provides habitat for several threatened and endangered plant and animal species; and

**WHEREAS**, Goal 101 of the Comprehensive Plan mandates Monroe County to manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources; and

**WHEREAS**, residents of Big Pine and No Name Keys have undertaken a community-driven planning effort to establish a vision of their future growth and development designed to enhance quality of life and protect valuable natural resources; and

**WHEREAS**, the planning process sought to define public’s interest in promoting its general welfare by preserving the rural community character and economic viability of locally owned and operated businesses by determining the appropriate amount, type, and location of additional commercial development; and

**WHEREAS**, the debates took place at many public workshops and solicited community input through citizen surveys, design charrettes, and news letters mailed to residents; and

LDR Amendment  
Big Pine and No Name Keys Formula Retail Overlay District

**WHEREAS**, the residents of Big Pine and No Name Keys envisioned for themselves a rural community character with a small town atmosphere and way of life that takes advantage of local goods and services; and

**WHEREAS**, Federal and State law grants power to Monroe County to regulate and restrict the use of land and buildings, in order to promote the safety and general welfare of its citizens; and

**WHEREAS**, Monroe County has adopted land use goals, policies, and objectives in a comprehensive plan to guide building and land use regulations, and to promote health, safety, and general welfare; and

**WHEREAS**, Objective 101.20 of Monroe County Comprehensive Plan mandates that Monroe County address local community needs while balancing the needs of all Monroe County communities, and that these efforts shall focus on the human crafted environment and shall be undertaken through the Livable CommuniKeys Planning Program; and

**WHEREAS**, Policy 101.20.1 of the Monroe County Comprehensive Plan states that Monroe County shall develop a series of Community Master Plans through the Livable CommuniKeys Program, which will be developed in accordance with, among other principles, the following principle:

“8. Each Community Master Plan will include a community character element that will address the protection and enhancement of existing residential areas and the preservation of community character through site and building guidelines. Design guidelines for public spaces, landscaping, streetscaping, buildings, parking lots, and other areas will be developed through collaborative efforts of citizens, the Planning Department, and design professionals reinforcing the character of the local community context;” and

**WHEREAS**, through the Livable CommuniKeys Program the residents of Big Pine and No Name Keys established an objective in their Master Plan for Future Development of Big Pine and No Name Key which promotes redevelopment and expansion of existing businesses, but limit new commercial uses in order to preserve community character as a unique Florida Keys resource and protect the economic viability of locally owned businesses that would be adversely affected by formula retail businesses and restaurants; and

**WHEREAS**, citizen debates culminated in a Master Plan for Future Development of Big Pine and No Name Key, which sets forth specific action items that must be implemented to achieve the community vision and promote general welfare; and

**WHEREAS**, the citizens of Big Pine and No Name Keys have determined that a proliferation of new commercial development poses a potential threat to their general welfare by destroying the unique rural character of the community, by deterring

accomplishment of their goals of beautification, and by adversely affecting the economic viability of locally owned businesses; and

**WHEREAS**, the citizens of Big Pine and No Name Keys have perceived that certain types of commercial development pose the potential to diminish the small town atmosphere and way of life of Big Pine and No Name Keys; and

**WHEREAS**, Action Item 12.2.4 of the Master Plan for Future Development of Big Pine and No Name Key adopted by the Monroe County Board of County Commissioners prohibits new formula retail businesses and restaurants on Big Pine and No Name Keys through the development and adoption of Land Development Regulations; and

**WHEREAS**, the provisions of this ordinance are consistent with the Master Plan for Future Development of Big Pine and No Name Key; and

**WHEREAS**, the provisions of this ordinance are consistent with principle (l) of the Principles for Guiding Development in the Florida Keys Area of Critical State Concern:

*Principle (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource; and*

**WHEREAS**, the provisions of this ordinance are consistent with the Monroe County Comprehensive Plan; and

**WHEREAS**, the Monroe County Board of County Commissioners has adopted the Master Plan for Future Development of Big Pine and No Name Key as an addendum to the Monroe County Comprehensive Plan.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:**

**Section 1.** The Board adopts the preceding Findings of Fact in support of its decision to amend the text and land use district maps of the Monroe County Code, Division 2, Article VII, by creating Section 9.5-260.3 **BIG PINE AND NO NAME KEYS FORMULA RETAIL OVERLAY DISTRICT** and adopting by reference the **BIG PINE AND NO NAME KEYS FORMULA RETAIL OVERLAY DISTRICT MAP**.

**Section 2. Text Amendment.** Section 9.5-260.3 of the Monroe County Land Development Regulations is hereby created to read as follows:

Section 9.5-260.3. Big Pine and No Name Keys Formula Retail Overlay District

- (a) Purpose: The purpose of the Big Pine and No Name Keys Formula Retail Overlay District is to implement Action Item 12.2.4 of the Master Plan for Future Development of Big Pine and No Name Keys, adopted as an addendum to the

Monroe County Comprehensive Plan, which prohibits new formula retail businesses and restaurants in an effort to maintain the rural and unique character of the community.

(b) Application: The Big Pine and No Name Keys Formula Retail Overlay District shall be overlaid on all land use districts of the Monroe County Land Use District Maps on Big Pine and No Name Keys.

(c) Definitions: Throughout this section, the following words and phrases shall have the meanings indicated:

i. *Eating place* means any business primarily engaged in the on-site preparation and sale of food and beverages for consumption either on- or off-premises, except that grocery stores are not classified as eating places.

ii. *Fast food restaurant* means an eating place primarily engaged in the sale of pre-prepared or quickly prepared food and beverages usually in disposable containers and wrappers, selected by patrons from a limited line of specialized items such as hamburgers, chicken, pizza, tacos, hot dogs, ice cream or yogurt, for example, for consumption either on- or off-premises, in a facility in which a major portion of the sales to patrons is at a stand-up type counter.

iii. *Formula restaurant* means an eating place that is one of a franchise, chain or group of three or more existing establishments and which satisfies at least two of the following three descriptions:

(1) Has the same or similar name, trade name, or trademark as others in the chain or group;

(2) Offers any of the following characteristics in a style which is distinctive to and standardized among the franchise, chain or group:

- a. Exterior design or architecture;
- b. Uniforms, except that a personal identification or simple logo will not render the clothing a uniform; or
- c. Has a standardized menu; or

(3) Is a fast food restaurant.

iv. *Formula retail* means a type of retail sales activity of retail sales establishment (other than a "formula restaurant") that is required by contractual or other arrangement to maintain any one or more of the following: standardized array of services or merchandise, trademark, logo, service mark, symbol, decor, architecture, layout, uniform, or similar standardized feature.

- v. *Professional service* means any service which may lawfully be rendered only by certified public accountants, public accountants, architects, attorneys, podiatrists, chiropractors, dentists, pharmacists, professional engineers, land surveyors, registered professional nurses, optometrists, physicians and surgeons, physician assistants, psychologists, veterinarians, and all other professionals licensed, registered, certified, or otherwise authorized and permitted to practice independently under the laws of the state.
- vi. *Restaurant, general*, means an eating place which prepares and sells food which is ordered from a menu, and served by a waiter or waitress, or selected in a cafeteria or from a buffet with food, and primarily consumed on the premises, and which contains permanent seating facilities and counters and tables, adequate to accommodate the customers served.
- vii. *Retail* means the selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license.

(d) Regulation of drive-in and drive-through facilities: Any drive-in or drive-through facility for the purpose of retail sales shall be approved only as a major conditional use. Drive-through or drive-in lanes with carryout service windows shall not be permitted in or at any eating place, restaurant, food service operation, or beverage or liquor store.

(e) Formula restaurants prohibited: New formula restaurants for which building permits have not been issued prior to the effective date of this ordinance shall not be permitted in any zoning district of Big Pine and No Name Keys.

(f) Formula retail regulations: A formula retail establishment shall be approved only as a major conditional use and shall also be subject to the following criteria:

- (1) Shall not have a street level business frontage of greater than 50 linear feet on any street; and
- (2) Shall not exceed 2,500 square feet of floor area.

(g) Exemptions:

(1) Professional service exemption. A professional service use shall be exempt from the provisions of this section. The professional service exemption provided in this subsection shall not apply to:

- (i) Any professional service use which provides retail sales, in whole or in part, and meets the definition of either formula retail or formula restaurant; or

- (ii) Any professional service use that is accessed from within either a formula retail or formula restaurant.
  - (iii) Any cooperative buying group unless the establishment maintains the standardized features described in section (c)(iv) above.
- (2) Continuation of existing formula retail uses: An existing formula retail use may be replaced with another formula retail use in the same footprint. Examples include, but are not limited to: replacement of a formula retail gas station by another formula retail gas station, or replacement of a formula retail drug store by another formula retail drug store, or replacement of a formula retail grocery store by another formula retail grocery store.

**Section 3. Map Amendment.** The Monroe County land use district maps for Big Pine and No Name Keys shall be amended to include the Big Pine and No Name Keys Overlay District Map hereby incorporated by reference and attached hereto as EXHIBIT A.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Repeal of Conflicting Provisions.** The provisions of the Monroe County Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 6. Inclusion in the Code.** The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of Monroe County, Florida as an addition or amendment thereto, and shall be appropriately numbered to conform to the uniform number system of the Code.

**Section 7. Approval by the State Department of Community Affairs.** The provisions of this Ordinance constitute a "land development regulation" as State law defines that term. Accordingly, the Monroe County Clerk is authorized to forward a copy of this Ordinance to the State Department of Community Affairs for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

**Section 8. Effective Date.** This Ordinance shall be effective immediately upon approval by the State Department of Community Affairs pursuant to Chapter 380., Florida Statutes.

**PASSED AND ADOPTED** by the Monroe County Board of County Commissioners at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 200..

Mayor Charles "Sonny McCoy"  
Mayor Pro Tem Murray Nelson  
Commissioner George Neugent  
Commissioner David Rice  
Commissioner Dixie Spehar

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BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

BY \_\_\_\_\_  
Mayor Charles "Sonny McCoy"

ATTEST: DANNY KOHAGE, CLERK

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## **STAFF REPORT**

**TO: THE BOARD OF COUNTY COMMISSIONERS**

**FROM: CLARENCE FEAGIN, Ph.D., AICP**

**RE: A TEXT AND MAP AMENDMENT CREATING THE "BIG PINE  
AND NO NAME KEYS FORMULA RETAIL OVERLAY  
DISTRICT"**

**HEARING DATE: JANUARY 18, 2006**

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### **I. BACKGROUND:**

During the Spring and Fall of 2000 residents of Big Pine and No Name Keys undertook a community-driven planning effort to establish a vision of their future growth and development. The community-driven planning effort involved a planning process which sought to define through continuous debate the public's interest in promoting their general welfare by preserving their rural community character and protecting the economic viability of locally owned and operated businesses by determining the appropriate amount, type, and location of additional commercial development.

The debates took place at many public workshops and solicited community input through citizen surveys, design charrettes, and news letters mailed to residents. During the workshops the citizens of Big Pine and No Name Keys determined that a proliferation of new commercial development poses a potential threat to their general welfare by destroying the unique rural character of the community, by deterring accomplishment of their goals of beautification, by adversely affecting the economic viability of locally owned businesses, and diminishing their small town atmosphere and way-of-life.

From the debates and workshops a community vision was formulated to promote the general welfare of residents on Big Pine and No Name Keys. The residents of Big Pine and No Name Keys envisioned for themselves a community rural in character with a small town atmosphere and way-of-life that takes advantage of local goods and services. The workshops culminated in the development of Action Item 12.2.4 of the Master Plan for Future Development of Big Pine and No Name Key which provides for the

prohibition of new formula retail businesses and restaurants through the development and adoption of Land Development Regulations.

In August of 2004 the Monroe County Board of County Commissioners adopted the Master Plan for Future Development of Big Pine and No Name Key. The proposed text and map amendments contained in DRC Resolution D23-05 will implement Action Item 12.2.4 by the adoption of this Ordinance and Map (Exhibit A attached). The substance and language of this ordinance was taken from the Village of Islamorada formula retail ordinance, which some citizens of Big Pine and No Name Keys recommended using as a point of departure in developing regulations for formula retail restaurants and businesses in their community.

On December 07, 2005 this ordinance was presented to the Planning Commission and it recommended denial based on new issues and concerns raised by Big Pine citizens who perceived their property and livelihoods may be adversely affected by the this ordinance.

## **II. PROPOSED AMENDMENT:**

The proposed amendment is to create new section 9.5-260.3 "BIG PINE AND NO NAME KEYS FORMULA RETAIL OVERLAY DISTRICT" and adopt by reference the "BIG PINE AND NO NAME KEYS FORMULA RETAIL OVERLAY DISTRICT MAP".

### **Key components of amendment**

#### **Purpose:**

The purpose of the ordinance is to implement Action Item 12.2.4 of the Master Plan for Future Development on Big Pine and No Name Keys, which prohibits new formula retail businesses and restaurants in order to maintain the rural and unique character of the community.

#### **Application:**

The ordinance applies to all land use districts on Big Pine and No Name Keys.

#### **Regulation of Drive-ins and drive-through facilities:**

Drive-ins and drive-through facilities for the purpose of retail sales are required to have major conditional use approval, except that facilities with carry out windows are not permitted at any eating place, food service operation, or beverage or liquor store.

Regulation of new formula restaurants:

New formula restaurants are prohibited after the effective date of this ordinance.

Regulation of new formula retail:

New formula retail establishments require major conditional use approval, and restricted to (a.) only 50 linear feet of frontage on any street, and (b.) 2,500 square feet of floor area.

Exemptions:

Exempt from this ordinance are professional service providers (certified public accountants, public accountants, architects, attorneys, podiatrists, chiropractors, dentists, pharmacists, professional engineers, land surveyors, registered professional nurses, optometrists, physicians and surgeons, physician assistants, psychologists, veterinarians, and all other professionals licensed, registered, certified, or otherwise authorized and permitted to practice independently under the laws of the state).

However, professional services which include formula retail sales or restaurants, and professional services which are accessed from within formula retail business or restaurants are not exempt from this ordinance.

Continuation of existing formula retail uses:

Existing formula retail uses can be replaced with another formula retail use of the same type, in the same building foot-print. For example, an existing formula gas station can be replaced with another formula gas station, an existing formula drug store can be replaced with another formula drug store, an existing formula grocery store can be replaced with another formula grocery store, or an existing formula hardware store can be replaced with another formula hardware store.

### **III. ANALYSIS**

#### **A. County requirements for changes to the land development regulations.**

Article XI of Chapter 9.5 sets forth the requirements for amending the text of the land development regulations. Specifically, Sec. 9.5-511(d)(5)b sets forth six (6) criteria for amending the land development regulations, at least one of which must be met. In this case, two (2) of the six (6) criteria support the proposed amendment; (iv) *New Issues* and (v) *Recognition of a need for additional detail and comprehensiveness*.

(iv) *New Issues:*

Through many workshops and solicitation of citizen input, the citizens of Big Pine and No Name Keys sought to identify local community issues and needs while balancing the needs of all Monroe County communities. The focus of the workshops and solicitations were on identification of actions and strategies that the community could undertake as a whole to preserve their unique island community, small scaled residential and commercial land uses, and nationally significant natural environment. Throughout the series of workshops a common issue emerged, which was the affect that formula retail businesses and restaurants have on diminishing the small town atmosphere and way-of-life of Big Pine and No Name Keys. As a result, Action Item 12.2.4 was wrought to prohibit the proliferation of new formula retail businesses and restaurants in the planning area.

The purpose of the proposed amendments are to implement Action Item 12.2.4 of the Master Plan for Future Development of Big Pine and No Name Key adopted by the Monroe County Board of County Commissioners in August of 2004, which provides for the prohibition of new formula retail businesses and restaurants on Big Pine and No Name Keys through the development of Land Development Regulations.

However, at a public hearing on December 07, 2005 the Monroe County Planning Commission recommended denial of this ordinance due to issues and concerns raised by some citizens of Big Pine and No Name Keys who perceived their property and livelihoods may be adversely affected by the this ordinance. As a result of the issues and concerns brought forth by affected citizens, planning staff also has concerns as to whether sufficient local consensus exists to support a prohibition of certain types of formula retail restaurants and businesses. At the December 7<sup>th</sup> public hearing the Planning Commission suggested continuing the discussion of this matter to a workshop, and to identify and summarize existing regulations and constraints that may better serve as regulatory controls to achieve the desired goal of maintaining the rural and unique character of the community by limiting the amount, type, and location of additional commercial development.

(v) *Recognition of a need for additional detail and comprehensiveness:*

New regulations are required to implement Action Item 12.2.4 of the Big Pine Master Plan.

**B. Consistency with the 2010 Comprehensive Plan.**

Since Livable CommuniKeys Master Plans are adopted as addenda to the 2010 Comprehensive Plan, then an ordinance implementing an Action Item 12.2.4 of the Big Pine Master Plan would be consistent with the 2010 Comprehensive Plan.

### **C. Public Welfare Issues.**

Federal and State law grants power to Monroe County to regulate and restrict the use of land and buildings in order to promote the general welfare of its citizens. Consequently, Monroe County has adopted land use goals, policies, and objectives in a comprehensive plan to guide policy on building and land use regulations, in order to promote health, safety, and general welfare. The proposed amendments will provide equal protection of public welfare to all citizens of Big Pine and No Name Keys, and Monroe County as a whole.

Furthermore, the Master Plan for Future Development of Big Pine and No Name Key, lays out specific action items that must be implemented to achieve the community vision and promote general welfare, which call for limiting the proliferation of new commercial development that poses a potential threat to their general welfare by destroying the unique rural character of the community, by deterring accomplishment of their goals of beautification, and by adversely affecting the economic viability of locally owned businesses.

The provisions of this ordinance are consistent with principle (I) of the Principles for Guiding Development in the Florida Keys Area of Critical State Concern:

*Principle (I) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.*

At the December 7<sup>th</sup> meeting of the Planning Commission several citizens rose in opposition to this ordinance and expressed concern about the potential affect it may have on the economic viability of their businesses and property values. Withstanding the opposition several citizens rose in support of the ordinance for its protection of intrinsic values derived from living in a unique, rural Keys community. The divisiveness on this issue further demonstrated lack of consensus in support of this ordinance.

### **D. Benefits to Property Owners:**

The community-driven planning effort involved in the development of the Master Plan for Future Development of Big Pine and No Name Key sought to define through continuous debate the public's interest in preserving community character. This lead to the proposed text and map amendments to the Monroe County land development regulations, creating a new Section 9.5-260.3 "BIG PINE AND NO NAME KEYS FORMULA RETAIL OVERLAY DISTRICT", the aim of which is to protect the economic viability of locally owned and operated businesses by determining the appropriate amount, type, and location of additional commercial development.

Nevertheless, at the December 7<sup>th</sup> meeting of the Planning Commission there was further public discourse among citizens debating the pros and cons of prohibiting formula restaurants and businesses in their community, and the potential affect it may have on locally owned businesses. The public debate on this issue demonstrated a lack of consensus supporting this ordinance.

**E. Summary:**

The potential benefits to property owners and the protection of public welfare that is expected to be derived from this ordinance is still in debate, and there was no consensus of support demonstrated for it at a regularly scheduled public hearing regarding this ordinance on December 7, 2005.

**V. RECOMMENDATION:**

Due to the issues raised and staff concerns on how this ordinance will serve the public's interest in promoting general welfare and benefiting property owners, planning staff recommends the BOCC take one of two (2) possible actions on this item:

1.) Remand it back to staff with a recommendation to convene a workshop on Big Pine to address the issues and concerns raised by affected citizens, and determine whether there is sufficient consensus to support an amendment to create Section 9.5-260.3 "BIG PINE AND NO NAME KEYS FORMULA RETAIL OVERLAY DISTRICT". If a consensus is reached or if any revisions to the proposed text or map result from a subsequent workshop, then the ordinance would be sent back to the Planning Commission and BOCC for consideration.

2.) Deny approval and direct staff to amend the Master Plan by either deleting or revising Action Item 12.2.4., which prohibits new formula retail businesses and restaurants.